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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 Stephen Paul McClane,

11 Plaintiff,

12 v.

13 City of Walla Walla et al.,

14 Defendants.

CASE NO. C17-5116 RBL-DWC

ORDER TRANSFERRING CASE

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16 Plaintiff Stephen Paul McClane, proceeding *pro se* and *in forma pauperis*, filed this civil
17 rights complaint under 42 U.S.C. § 1983. Because Plaintiff is housed at Washington State
18 Penitentiary (“WSP”) located in Walla Walla, Washington, and his claims arise out of actions
19 committed at WSP, the Court orders this case be transferred to the Eastern District of
20 Washington.¹

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22 ¹ Because an order transferring venue pursuant to 28 U.S.C. § 1404(a) does not address the merits of the
23 case, it is a nondispositive matter that is within the province of a magistrate judge's authority under 28 U.S.C. §
24 636(b)(1)(A). *See Pavao v. Unifund CCR Partners*, 934 F. Supp. 2d 1238, 1241 (S.D. Cal. 2013); *Corrinet v. Burke*,
2012 WL 1952658, at *6 (D.Or. Apr. 30, 2012); *Shenker v. Murasky*, 1996 WL 650974, at *1 (E.D.N.Y. Nov. 6,
1996) (“An order issued by a magistrate judge transferring venue under 28 U.S.C. § 1404(a) is non-dispositive.”);
Holmes v. TV-3, Inc., 141 F.R.D. 697, 697 (W.D. La. 1991) (“Since [a motion to transfer venue] is not one of the

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Plaintiff alleges Defendant Donaldson, the Walla Walla City Attorney, “failed to bring charges [against] me.” *Id.* at 4. Plaintiff alleges Defendant Donaldson should have charged him based on a May, 22, 2015 infraction. *Id.* Plaintiff alleges Defendant Martin, the Walla Walla County Superior Court Clerk, would not allow Plaintiff to retain a public defender for his staff assault case at CBCC. *Id.* Plaintiff alleges Defendant Lohrman, a Walla Walla Superior Court Judge, refused to help Plaintiff determine if he has a disability and seek other relief. *Id.* Plaintiff requests “due process in my staff assault at [CBCC].” Dkt. 6 at 4. Plaintiff does not seek monetary damages. *Id.*

motions excepted in 28 U.S.C. § 636(b)(1)(A), nor is it dispositive of any claim on the merits within the meaning of Rule 72 of the Federal Rules of Civil Procedure, this ruling is issued under the authority thereof, and in accordance with the standing order of this Court.”).

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Here, it is clear Defendants all reside in Walla Walla, Washington and Plaintiff's claims arise out of actions committed at WSP in Walla Walla, Washington, which is within the venue of the Eastern District of Washington. *See* 28 U.S.C. §§ 128(a).² Accordingly, the Court orders this case be transferred to the Eastern District of Washington.

Dated this 5th day of May, 2017.

David W. Christel
United States Magistrate Judge

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